

U.S. Patent Application Serial No. 09/926,662
Amendment dated **March 10, 2004**
Reply to OA of **January 7, 2004**

REMARKS

Claims 7 and 9 are currently canceled without prejudice or disclaimer.

Claims 6 and 8 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated January 7, 2004.

Claims 1 - 6, 8 and 10 remain in this application. Claims 1 - 5 have been indicated as being allowed.

Claims 6 - 8 and 10 stand rejected under 35 USC 112, second paragraph, due to an informality in the language of claim 6 for the specific reason set forth in lines 4 - 8, page 3 of the outstanding Action.

In response, the applicants have deleted the phrase "not otherwise removed" from the language of claim 6.

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Accordingly, the withdrawal of the outstanding indefiniteness rejection under 35 USC 112, second paragraph, is in order, and is therefore respectfully solicited.

As to the merits of this case, the Examiner relies on a new reference (namely, Sasagawa, U.S. Patent No. 6,008,914) in rejecting claims 6 - 8 and 10 under 35 USC 102(e) based on Sasagawa. The applicants respectfully request reconsideration of this anticipation rejection.

In this anticipation rejection, the Examiner specifically relies on Sasagawa's Figure 104, and lines 28 - 37, column 67 in taking the position that Sasagawa teaches a shielding portion 422 for shielding laser light and a transparent portion 423 for transmitting laser light.

In response, the applicants respectfully submit that, first, they have taken the position in the Response filed October 31, 2003 that the claimed light shielding elements (as in, e.g., now allowed claims 4 and 5) remove undesired laser light from the optical path and shape the laser light into a predetermined form.¹ It is further the applicants' position that the manner in which the Examiner relied on Sasagawa does not address how Sasagawa's device highlights such shaping of the laser light into a predetermined form.

¹See lines 1 - 5, page 10, Response filed October 31, 2003.

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Secondly, the applicants took the position, in the Response filed October 31, 2003, that the claimed light shielding section is formed of a solid material.² Such distinguishable claimed structural arrangement, contained within the language of independent claims 6 and 10, have not been addressed by the Examiner with respect to the newly cited reference of Sasagawa in the outstanding Action.

The applicants have amended claim 6 in order to include the subject matter of claim 7, and the “light shielding” is clarified by now specifically reciting that the light shielding section is constituted of the solid material transmitting the laser light and reflection coating.

As for claim 8 (corresponding to the applicants’ FIG. 2), the claimed “light shielding element” transmits the laser light. In other words, as shown in the applicants’ FIG. 2, undesired light is deviated from the laser optical axis by using, for example, the prisms. Therefore, it is necessary for the laser light to be transmitted through the inside of the prism having the light shielding function. For better clarification however, the term “light shielding element” has been amended to read as “undesired laser light removing element.”

²Please see lines 1 - 5, page 11, Response filed October 31, 2003.

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The applicants respectfully submit that not all of the claimed elements, as now set forth in the amended claims, are found in exactly the same situation and united in the same way to perform the identical function in the Sasagawa apparatus. Thus, there can be no anticipation under 35 USC 102(e) of the applicants' claimed invention, as now set forth in the amended claims, based on the teachings of Sasagawa.

Accordingly, the withdrawal of the outstanding anticipation rejection under 35 USC 102(e) based on Sasagawa (U.S. Patent No. 6,008,914) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.


If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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